

# Electronic Transactions Act 2013 & Electronic Transactions (Amendment) Act 2016

## Antigua and Barbuda

Electronic Transactions

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### Definitions of Data:

Does not define data. However defines consumer as 'any person who enters or intends to enter into an electronic transaction with a supplier as the end user of goods or services offered by the supplier'. 'E-commerce service provider means a person who uses electronic means in providing goods or services or both.'

### Main Focus of Document:

To give legal effect to electronic documents, records and signatures

### Target Beneficiaries or Sectors:

consumers, vendors, public sector

### Key Elements:

The Act is useful in facilitating electronic communications and more specifically electronic commerce; and is useful essentially to 'eliminate barriers to electronic commerce resulting from uncertainties over writing and signature requirements'. It is also essential for promoting the development of legal business infrastructure that is necessary to implement secure electronic commerce. It also provides for a code of conduct for electronic commerce service providers and also consumer protection. Sellers must provide adequate details of themselves and details of goods they intend to trade. Noteworthy elements include:

10. Delivery of Information (1) Where information is required by law to be delivered, dispatched, sent to, or to be served on a person, that requirement is met by doing so in the form of an electronic record provided that the originator of the electronic record states that the receipt of the electronic record is to be acknowledged and the addressee has acknowledged its receipt. (2) Subsection (1) applies whether the requirement for delivery, dispatch, sending or serving is in the form of an obligation or the law provides consequences for the information not being delivered, dispatched, sent or served.
11. Regulation of specified security procedures and specified security procedure providers (1) The Minister may make regulations for the carrying out of this Part and, without prejudice to such general power may make regulations for the following purposes; (a) the regulation, registration, licensing or accreditation of specified security procedure providers and their authorised representatives; (b) safeguarding or maintaining the effectiveness and efficiency of the common security infrastructure relating to the use of secure electronic signatures and the authentication of electronic records, including the imposition of requirements to ensure interoperability between specified security procedure providers or in relation to any security procedure. (c) ensuring that the common security infrastructure relating to the use of secure electronic signatures and the authentication of electronic records complies with Antigua and Barbuda's internal obligations; and (d) prescribing the forms and fees applicable for the purposes of this Part. (3) Regulations made under this section may provide that a contravention of a specified provision shall be a summary offence and may provide penalties consisting of a fine not exceeding \$200,000 or imprisonment for a term not exceeding two years, or to both.
12. Minimum information in e-commerce (1) A person using electronic communications to sell goods or services to consumers shall provide accurate, clear and accessible information about themselves, sufficient to allow; (a) the legal name of the person, its principal geographic address, an electronic means of contact or telephone number; (b) prompt, easy and effective consumer communication with the seller; and (c) service of legal process. (2) A person using electronic communications to sell goods or services to consumers shall provide accurate and accessible information describing the goods or services offered, the sufficient to enable consumers to make an informed decision about the proposed transaction and to maintain an adequate record of the information. (3) A person using electronic communications to sell goods or services to consumers shall provide information about the terms, conditions and costs associated with a transaction, and notably; (a) terms, conditions and methods of payment; and details of and conditions related to withdrawal, termination, return, exchange, cancellation and refund policy information; (b) details of and conditions related to withdrawal, termination, return, exchange, cancellation and refund policy information.

Digital infrastructure Electronic commerce Electronic communication Electronic records Electronic signature Interoperability Licensing

### Policy/regulation mirrored:

Electronic Transactions Acts/Bills

### Countries:

**Jamaica**

**Barbados**

**Ghana**

**Lesotho**

**Namibia**

**Nigeria**

**South Africa**

**Sri Lanka**

**The Bahamas**

**Grenada**

**St Vincent and The Grenadines**

**Belize**

**Trinidad and Tobago**